

**REMARKS**

Claims 1-16 are pending, and the independent claims are claims 1 and 12. The independent claim 1 is rejected as being obvious under 35 U.S.C. § 103(a) from *Feldis* (U.S. Patent Application No. 2003/0007078A1) in view of *Matsumoto* (U.S. Patent Application No. 2002/0078157A1). The independent claim 12 is rejected as anticipated under 35 U.S.C. § 102(e) from *Matsumoto* (U.S. Patent Application No. 2002/0078157A1).

Applicant notes that, in the previous office action (dated November 18, 2003), claim 1 was rejected as obvious from *Feldis* in view of *Simons* (U.S. Patent No. 6,320,595). Claim 12 was rejected as anticipated by *Feldis*. Subsequently, the Examiner kindly spoke with Applicant's attorney on February 22, 2005 to discuss possible claim amendments. Then Applicant filed an RCE on February 25, 2005 amending various claims including independent claims 1 and 12.

**Claim 1 is Not Obvious From *Feldis* and *Matsumoto***

The Office Action acknowledges (on page two) that *Feldis* fails to disclose that the picture is either editable or non-editable as indicated by a predetermined tag embedded, and fails to disclose various other aspects of present claim 1. However, the Office Action states (at page three) that *Matsumoto* discloses all of those features.

Applicant has carefully studied the *Matsumoto* reference, and respectfully submits that the *Matsumoto* reference is very different from the present claimed invention, and does not actually disclose those features which are not disclosed by *Feldis*. Referring to the abstract and FIG. 1 of *Matsumoto*, that patent discloses a system and method for acquiring an image using the camera 6, which is then sent to the wireless terminal 4, and a user of the wireless terminal 4 is then able to make decisions regarding how the image will be edited. That editing is not done in the wireless terminal 4, and instead the editing is done by attaching at least one editing

tag to the image, so that the image can be sent to a server 3 which will edit the image according to the tag.

Thus, *Matsumoto* is very different from the present invention as described in present claim 1. Present claim 1 says that the tag indicates whether the image is editable thus allowing the user to edit the image, or instead is non-editable thus preventing the user from editing the image. The tags of present claim 1 consequently have nothing to do with how the image will be edited. ***Matsumoto* does not teach or suggest any way to use a tag in order to prevent a user from causing an image to be edited.**

The Office Action points primarily to *Matsumoto*'s FIG. 2 and paragraphs 26-28. Paragraph 27 explicitly says that "the user [is] to determine whether a tag is to be input." However, it would be senseless for the user to determine whether a tag "protect[s] the picture from being edited by the user," as claimed in present claim 1. Thus, Applicant respectfully reiterates that the tag of *Matsumoto* is very different from the tag of present claim 1, and *Matsumoto*'s tag does not perform the functions of the tag described in present claim 1.

Likewise, paragraph 28 of *Matsumoto* also says that the tag is directly input by the user or may be automatically input in response to a user request. Either way, this is very different from the pre-agreed tag of the present invention that protects an image from being edited.

#### **Claim 12 is Not Anticipated by *Matsumoto***

Applicant respectfully submits that present independent claim 12 is not anticipated by the *Matsumoto* reference, for reasons very similar to those explained above with respect to present claim 1. Present claim 12 says in step (B) that the user is allowed to alter the picture depending upon the presence of a tag, whereas in *Matsumoto* it is the user who inputs the tag (directly or indirectly). Thus, again, *Matsumoto* does not teach or suggest a tag that protects an image from being altered by a user.

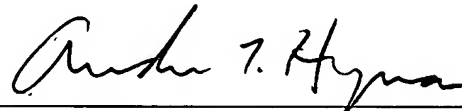
The Office Action refers primarily to paragraphs 25-28 and 31-32 of *Matsumoto* regarding claim 12. But, careful analysis of those paragraphs again reveals that they do not

teach or suggest the present claimed invention. Paragraphs 26-28 were already discussed above, with respect to present claim 1, and Applicant does not perceive any substantially relevant material in paragraph 25. Regarding paragraphs 31-32 of *Matsumoto*, those paragraphs merely state that when the user emails an image to a server, the server will edit the image according to a tag that the user has attached, or will not edit the picture if the user has attached no tag at all. Clearly, this tag of *Matsumoto* does not allow or disallow the user to do anything, and instead is a command from the user regarding how a server should (or should not) edit an image.

### CONCLUSION

Because the cited *Matsumoto* reference does not teach or suggest critical elements of the present independent claims 1 and 12, it is respectfully submitted that the present claims are novel and patentable. Early allowance of claims 1-16 is earnestly solicited. Applicant would be grateful if the Examiner would please contact Applicant's attorney by telephone if the Examiner detects anything in the present response that might hinder a speedy allowance.

Respectfully submitted,



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Dated: June 6, 2005

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